

Article - Environment

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§17–310.

(a) Except as otherwise provided in § 10–226 of the State Government Article, and subject to the notice and hearing requirements in subsection (c) of this section, the Board may deny, refuse to renew, suspend, or revoke a license if the applicant or licensee:

(1) Violates any provision of this title or any regulation adopted under this title;

(2) Fraudulently or deceptively obtains or attempts to obtain a license for the licensee or for another person;

(3) Fraudulently or deceptively uses a license;

(4) Commits any gross negligence, incompetence, or misconduct while practicing marine contractor services;

(5) Fails to comply with the terms of a tidal wetlands authorization issued under § 16–202 or § 16–307 of this article;

(6) Violates any provision of, or regulations adopted under, § 16–202 or § 16–307 of this article; or

(7) In the Chesapeake and Atlantic Coastal Bays Critical Area, as defined under § 8–1802 of the Natural Resources Article, fails to comply with:

(i) The terms of a State or local permit, license, or approval;
or

(ii) Any State or local law, an approved plan, or other legal requirement.

(b) The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, established under Title 8, Subtitle 18 of the Natural Resources Article, shall notify the Board of any licensed marine contractor or applicant for a license that fails to comply with any requirement under subsection (a)(7) of this section.

(c) (1) Before the Board takes any final action under subsection (a) of this section, the Board shall give the applicant or licensee against whom the action is contemplated notice and the opportunity for a hearing before the Board.

(2) The Board shall provide notice and hold a hearing in accordance with the Administrative Procedure Act.

(3) At least 30 days before the hearing, the hearing notice shall be:

(i) Served personally on the individual; or

(ii) Sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of the individual or entity.

(4) If, after due notice, the applicant or licensee against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

(d) Except as provided under subsection (c) of this section, any person aggrieved by a final decision of the Board may take an appeal as authorized under §§ 10–222 and 10–223 of the State Government Article.

(e) For purposes of this section, an act or omission of any principal, agent, or employee of an applicant or licensee may be construed to be the act or omission of the applicant or licensee, as well as of the principal, agent, or employee.

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